

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

TERRIQUE THOMPSON,

Plaintiff,

v.

UNKNOWN HAPER, et al.,

Defendants.

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No. 1:24-cv-00105-RHH

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Terrique Thompson's Application to Proceed in District Court Without Prepaying Fees or Costs. (ECF No. 2). Having reviewed the Application and the financial information provided in support, the Court will grant the request and assess an initial partial filing fee of \$1.50. *See* 28 U.S.C. § 1915(b)(1). Even so, the Court will dismiss this action for the reasons discussed below.

Initial Partial Filing Fee

Under 28 U.S.C. § 1915(b)(1), a prisoner bringing a civil action in forma pauperis must pay the full amount of the filing fee. If the prisoner has insufficient funds in his prison account to pay the entire fee, the Court will assess an initial partial filing fee equal to the greater of either: (1) 20 percent of the average monthly deposits in the prisoner's account for the six months immediately preceding the filing of the lawsuit, or (2) 20 percent of the average monthly balance in the prisoner's account over the same six-month period. 28 U.S.C. § 1915(b)(1). After payment of the initial partial filing fee, the prisoner must make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. 28 U.S.C. § 1915(b)(2). The agency having custody of the prisoner will forward these monthly payments to the Clerk of Court each

time the amount in the prisoner's account exceeds \$10, until the prisoner has paid the fee in full. *Id.*

In support of his Application, Plaintiff has submitted a certified account statement that reflects an average monthly deposit of \$7.50 for the six-month period preceding his Complaint. Thus, the Court will assess an initial partial filing fee of \$1.50, representing 20 percent of Plaintiff's average monthly deposit over that time.

Legal Standard on Initial Review

Under 28 U.S.C. § 1915(e)(2), the Court may dismiss a complaint filed in forma pauperis if the action is frivolous or malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant who is immune from such relief. When reviewing a complaint filed by a self-represented person under 28 U.S.C. § 1915, the Court accepts the well-pleaded facts as true, *White v. Clark*, 750 F.2d 721, 722 (8th Cir. 1984), and liberally construes the complaint. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007); *Haines v. Kerner*, 404 U.S. 519, 520 (1972). A "liberal construction" means that if the essence of an allegation is discernible, the district court should construe the complaint in a way that permits the claim to be considered within the proper legal framework. *Solomon v. Petray*, 795 F.3d 777, 787 (8th Cir. 2015). Even so, self-represented plaintiffs must allege facts which, if true, state a claim for relief as a matter of law. *Martin v. Aubuchon*, 623 F.2d 1282, 1286 (8th Cir. 1980); *see also Stone v. Harry*, 364 F.3d 912, 914-15 (8th Cir. 2004) (refusing to supply additional facts or to construct a legal theory for the self-represented plaintiff).

To sufficiently state a claim for relief, a complaint must plead more than "legal conclusions" and "[t]hreadbare recitals of the elements of a cause of action [that are] supported by mere conclusory statements." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A plaintiff must

demonstrate a plausible claim for relief, which is more than a “mere possibility of misconduct.” *Id.* at 679. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* at 678. Determining whether a complaint states a plausible claim for relief is a context-specific task that requires the reviewing court to draw on its judicial experience and common sense. *Id.* at 679.

A complaint is frivolous if it lacks an arguable basis in law or fact. *Martinez v. Turner*, 977 F.2d 421, 423 (8th Cir. 1992). When dealing with factual frivolity, courts are given “the unusual power to pierce the veil of the complaint’s factual allegations and dismiss those claims whose factual contentions are clearly baseless.” *Neitzke v. Williams*, 490 U.S. 319, 327 (1989). Factual allegations are clearly baseless if they are fanciful, fantastic, and delusional. *Denton v. Hernandez*, 504 U.S. 25, 32 (1992). “[A] finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them.” *Id.*

The Complaint

Plaintiff is an adult in custody at the Southeastern Correctional Center (“SECC”) in Charleston, Missouri. (ECF No. 1). He brings this action under 42 U.S.C. § 1983 against 36 prison employees (“Defendants”). *Id.* at 2-9. He asserts that Defendants implanted devices in his body that enable them to control Plaintiff as a “human puppet.” *Id.* at 10. According to Plaintiff, Defendants can manipulate his thoughts, hearing, vision, taste, and smell. *Id.* Plaintiff contends that Defendants are part of a cult that installs these devices in inmates. *Id.* He seeks \$1 million and removal of the devices. *Id.* at 19.

Discussion

The Court has thoroughly reviewed the Complaint and can discern no plausible claim for relief. Plaintiff's allegations are irrational and wholly incredible. He asserts that Defendants are members of a cult that installs mind-control devices in inmates. These allegations are fanciful, fantastic, delusional, and clearly baseless. *See Denton*, 504 U.S. at 32. The Court therefore finds that Plaintiff's claims lack an arguable basis in law or fact. *See Martinez*, 977 F.2d at 423.

Conclusion

For the foregoing reasons, the Court will dismiss this action as frivolous. *See* 28 U.S.C. § 1915(e)(2).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Application to Proceed in the District Court Without Prepaying Fees or Costs (ECF No. 2) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff shall pay an initial filing fee of \$1.50 within **twenty-one (21) days** of the date of this Order. Plaintiff must make his remittance payable to "Clerk, United States District Court," and shall include upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) a statement that the remittance is for an original proceeding.

IT IS FURTHER ORDERED that Plaintiff's Motion for Appointment of Counsel (ECF No. 4) is **DENIED** as moot.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice. A separate Order of Dismissal will accompany this Memorandum and Order.

Dated this 27th day of September, 2024.

A handwritten signature in black ink, reading "Audrey G. Fleissig". The signature is written in a cursive style with a large, looping "A" and a long, sweeping "g".

AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE